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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,723	01/22/2004	Courtney Chi Hoang	AWK 03-053	5612

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EXAMINER

ORTIZ, BELIX M

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,723

Applicant(s)

HOANG ET AL.

Examiner

Belix M. Ortiz

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 1/22/04.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the Abstract includes title of the application in the first sentence. The title of the invention should be placed at the top of the first page of the specification. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 3 and 12 objected to because of the following informalities: "an addresscheck" and on claim 8 said "an address check". The examiner interprets "an address check". Appropriate correction is required.

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4. Claim 1 objected to because of the following informalities: "a verifytasks". The examiner interprets "a verify tasks". Appropriate correction is required.

5. Claims 2-4 are objected to because as being dependent from objected independent claim.

6. Claim 9 objected to because of the following informalities: "wh re". The examiner interprets "where". Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 5, and 6, the claims recite the limitation "it" or "its" render the claims indefinite because pronouns are not allowed. Only what is being referred by "it" should be set forth in the action.

Claim 1 recites the limitation "the number" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the integrity" in line 6; "said applications" in line 12; and "the data integrity" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "said DMUTILITY" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-4 and 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being dependent from rejected independent claims 1 and 5.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-12 are rejected under 35 U.S.C. 102(e) (Eff. Filing date of application: 1/22/2004) as being anticipated by Hart (U.S. patent 6,983,295) (Eff. Filing date of application: 10/24/2002).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 1, Hart teaches a method for the verification of a quiesced database copy of a primary database (see abstract) comprising the steps of:

(a) establishing a secondary database which replicates said primary database (see abstract and column 3, lines 9-16);

(b) quiescing said secondary database so that no update access to it is operable (see column 12, lines 52-67 and column 13, lines 1-5);

(c) utilizing a Verify option in a database utility program to check said quiesced database copy for integrity (see column 13, lines 16-27; column 13, lines 65-67; and column 14, lines 1-14);

(d) utilizing a Verifytasks option to control the number of independent tasks assigned to perform said check of said quiesced database copy for integrity (see column 4, lines 50-56; column 13, lines 16-27; column 13, lines 65-67; and column 14, lines 1-14).

As to claim 5, Hart teaches in a network of multiple processors (10-13) connected to a database system (14) which utilizes a DM Utility program (see figure 2) and which operates with

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a Disk Subsystem (22) (see figure 3) having a primary database (15) which is duplicated by a disk mirroring system (20) to a quiesced database copy (19) (see figure 2), a system for verifying the integrity of said quiesced database copy (19) before allowing its use for access (see column 13, lines 16-27; column 13, lines 65-67; and column 14, lines 1-14), comprising:

(a) means for replicating said primary database (15) with a quiesced database copy (19) (see abstract; figure 2; and column 3, lines 9-16);

(b) means to disable access by said applications (10-13) to said quiesced database copy (19) (see figure 2);

(c) means to verify the data integrity of said quiesced database copy (19) (see figure 2; column 13, lines 16-27; column 13, lines 65-67; and column 14, lines 1-14).

As to Claims 2-4 and 6-12 are rejected under 35 U.S.C. 102 (e), as being dependent from rejected independent claims 1 and 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on moday-friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bmo

July 7, 2006


SAM RIMELL
PRIMARY EXAMINER